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**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

**Minutes**  
**October 17, 2003**

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1                                   **STATE OF IOWA**  
2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
3                           **Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
4                                   **Des Moines, Iowa 50319-0147**

5  
6                                   **Motions**

7  
8                                   **October 17, 2003**  
9  
10

11       Jacqueline Wellborn moved, with a second by Brian Carter, that the Board go  
12       into closed session for the purposes of discussing whether to initiate licensee  
13       disciplinary proceedings and discussing the decision to be rendered in a  
14       contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15       **MOTION CARRIED UNANIMOUSLY.**  
16

17       William Haigh moved, with a second by Anita Westerhaus, that in case number  
18       03-06, the Board not initiate review of the proposed decision and allow the  
19       proposed decision to become the final decision of the Board unless an appeal is  
20       taken by one of the parties within the time allowed by rule. Roll call vote:

21       Haigh – yes; Paulsen – yes; Westerhaus – yes; Chen – yes; Wellborn – yes;  
22       Aboud – yes; Carter – yes; Jeffrey – yes; Stalker – yes; and Hathaway – yes.

23       **MOTION CARRIED UNANIMOUSLY.**  
24

25       John Aboud moved, with a second by Anita Westerhaus, that, in case number  
26       98-12, upon review of the complaint and the investigative report, the Board find  
27       an absence of probable cause and, for reasons stated in the draft order, reject  
28       the case. Roll call vote: Stalker – yes; Jeffrey – recuse; Carter – yes; Aboud –  
29       yes; Wellborn – yes; Chen – yes; Westerhaus – yes; Paulsen – yes; Haigh – yes;  
30       and Hathaway – yes. **MOTION CARRIED.**  
31

32       Anita Westerhaus moved, with a second by William Haigh, that in case number  
33       03-06, the Board extend the 180-day deadline for issuance of the final decision,  
34       due to the need for additional time to allow the proposed decision by the Board  
35       to become the final decision. Roll call vote: Haigh – yes; Paulsen – yes;

1 Westerhaus – yes; Chen – yes; Wellborn – yes; Aboud – yes; Carter – yes; Jeffrey  
2 – yes; Stalker – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

3  
4 William Haigh moved, with a second by Anita Westerhaus, that in **case number**  
5 **03-10**, the Board extend the 180-day deadline for issuance of the final decision,  
6 due to the need for additional time to conduct a hearing, prepare a proposed  
7 decision, and review the proposed decision by the Board; and the Complainant's  
8 request for continuance. Roll call vote: Stalker – yes; Jeffrey – yes; Carter –  
9 yes; Aboud – yes; Wellborn – yes; Chen – yes; Westerhaus – yes; Paulsen – yes;  
10 Haigh – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

11  
12 Anita Westerhaus moved, with a second by William Haigh, that in **case number**  
13 **03-11**, the Board extend the 180-day deadline for issuance of the final decision,  
14 based upon delay in investigation due to other pending investigations and the  
15 investigator's extended medical leave. Roll call vote: Haigh – yes; Paulsen –  
16 yes; Westerhaus – yes; Chen – yes; Wellborn – yes; Aboud – yes; Carter – yes;  
17 Jeffrey – yes; Stalker – yes; and Hathaway – yes. **MOTION CARRIED**  
18 **UNANIMOUSLY.**

19  
20 John Aboud made two suggestions with regard to the Executive Director's  
21 report as it was recorded in the minutes of the previous board meeting.  
22 Consequently, the new sentence beginning on page 13, line 1, was restructured  
23 so that the sentence reads: Dr. Kruse said that she would have been impressed  
24 by the publicity if she were the parent of a prospective student. In addition, on  
25 page 13, line 7, the following comment was added: Capability of viewing  
26 licensure credentials online is an effective means for state compliance with  
27 provisions of No Child Left Behind. Brian Carter moved, with a second by Judy  
28 Jeffrey, to approve the September 12, 2003, minutes, as amended. **MOTION**  
29 **CARRIED UNANIMOUSLY.**

30  
31 William Haigh moved, with a second by Anita Westerhaus, that in **case number**  
32 **APP 03-03**, Daniel P. Shonka, the Board not initiate review of the proposed  
33 decision and allow the proposed decision to become the final decision of the

1 Board unless an appeal is taken by one of the parties within the time allowed  
2 by rule. Roll call vote: Stalker – yes; Jeffrey – yes; Carter – yes; Aboud – yes;  
3 Wellborn – yes; Chen – yes; Westerhaus – yes; Paulsen – yes; Haigh – yes; and  
4 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

5  
6 Anita Westerhaus moved, with a second by William Haigh, that in **case number**  
7 **APP 03-01**, Shawn Murtha, the Board not initiate review of the proposed  
8 decision and allow the proposed decision to become the final decision of the  
9 Board unless an appeal is taken by one of the parties within the time allowed  
10 by rule. Roll call vote: Stalker – yes; Jeffrey – yes; Carter – yes; Aboud – yes;  
11 Wellborn – yes; Chen – yes; Westerhaus – yes; Paulsen – yes; Haigh – yes; and  
12 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

13  
14 Veronica Stalker moved, with a second by Ying Ying Chen, to adopt and file the  
15 proposed changes to Chapter 14 that combine licensure requirements for an  
16 elementary and secondary principal and supervisor of special education.  
17 **MOTION CARRIED UNANIMOUSLY.**

18  
19 Judy Jeffrey moved, with a second by John Aboud, to adopt and file the  
20 proposed changes to Chapter 22 that require competencies in reading, writing  
21 and mathematics; strike reference to instruction of students; add a School  
22 Library Media—PK-12 area of concentration; and expand options for renewal  
23 requirements. **MOTION CARRIED UNANIMOUSLY.**

24  
25 William Haigh moved, with a second by Tom Paulsen, to file under Notice of  
26 Intended Action the proposed changes to Chapter 11 that require mandatory  
27 reporting of contract terminations and resignations based upon allegations of  
28 sexual misconduct, with the addition of a subrule that the report be filed within  
29 60 days of the date of local board action on the termination or resignation.  
30 **MOTION CARRIED UNANIMOUSLY.**

1 John Aboud moved, with a second by Brian Carter, to file under Notice of  
2 Intended Action the proposed changes to Chapters 12 and 13, with recorded  
3 clarifications and changes. **MOTION CARRIED UNANIMOUSLY.**

4  
5 William Haigh moved, with a second by Judy Jeffrey, that **in PFW 03-20**,  
6 Joanne P. Maehr, the Board grant the Petition for Waiver. **MOTION CARRIED**  
7 **UNANIMOUSLY.**

8  
9 William Haigh moved, with a second by Judy Jeffrey, that **in PFW 03-21**, Marty  
10 D. Fonley, the Board grant the Petition for Waiver. **MOTION CARRIED**  
11 **UNANIMOUSLY.**

1                                   **STATE OF IOWA**  
2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
3                                   **Grimes State Office Building – 400 East Grand**  
4                                   **Des Moines, Iowa 50319-0147**

5  
6                                   **Minutes**  
7                                   **October 17, 2003**  
8

9   The Board of Educational Examiners held its monthly meeting on October 17,  
10 2003. The meeting was called to order by the Board Chair, Peter Hathaway, at  
11 8:37 a.m. Members attending were John Aboud, Brian Carter, Ying Ying Chen,  
12 William Haigh, Peter Hathaway, Judy Jeffrey, Thomas Paulsen, Veronica  
13 Stalker, Jacqueline Wellborn and Anita Westerhaus. Also in attendance were  
14 Dr. Anne Kruse, Executive Director of the Board; Christie Scase and Jeanie  
15 Vaudt, Assistant Attorneys General and legal counsel to the Board; Barbara  
16 Hendrickson, Board Secretary; and other visitors. Board Member Jean Seeland  
17 was unable to attend the meeting. Ms. Westerhaus was absent from the  
18 afternoon session, and Mr. Paulsen left at 2:12 p.m.

19  
20 Jacqueline Wellborn moved, with a second by Brian Carter, that the Board go  
21 into closed session for the purposes of discussing whether to initiate licensee  
22 disciplinary proceedings and discussing the decision to be rendered in a  
23 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

24 **MOTION CARRIED UNANIMOUSLY.**  
25

26 The Board reconvened into open session at 9:31 a.m.  
27

28 William Haigh moved, with a second by Anita Westerhaus, that in **case number**  
29 **03-06**, the Board not initiate review of the proposed decision and allow the  
30 proposed decision to become the final decision of the Board unless an appeal is  
31 taken by one of the parties within the time allowed by rule. Roll call vote:  
32 Haigh – yes; Paulsen – yes; Westerhaus – yes; Chen – yes; Wellborn – yes;

1 Aboud – yes; Carter – yes; Jeffrey – yes; Stalker – yes; and Hathaway – yes.

2 **MOTION CARRIED UNANIMOUSLY.**

3  
4 John Aboud moved, with a second by Anita Westerhaus, that, in **case number**  
5 **98-12**, upon review of the complaint and the investigative report, the Board find  
6 an absence of probable cause and, for reasons stated in the draft order, reject  
7 the case. Roll call vote: Stalker – yes; Jeffrey – recuse; Carter – yes; Aboud –  
8 yes; Wellborn – yes; Chen – yes; Westerhaus – yes; Paulsen – yes; Haigh – yes;  
9 and Hathaway – yes. **MOTION CARRIED.**

10  
11 Anita Westerhaus moved, with a second by William Haigh, that in **case number**  
12 **03-06**, the Board extend the 180-day deadline for issuance of the final decision,  
13 due to the need for additional time to allow the proposed decision by the Board  
14 to become the final decision. Roll call vote: Haigh – yes; Paulsen – yes;  
15 Westerhaus – yes; Chen – yes; Wellborn – yes; Aboud – yes; Carter – yes; Jeffrey  
16 – yes; Stalker – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

17  
18 William Haigh moved, with a second by Anita Westerhaus, that in **case number**  
19 **03-10**, the Board extend the 180-day deadline for issuance of the final decision,  
20 due to the need for additional time to conduct a hearing, prepare a proposed  
21 decision, and review the proposed decision by the Board; and the Complainant's  
22 request for continuance. Roll call vote: Stalker – yes; Jeffrey – yes; Carter –  
23 yes; Aboud – yes; Wellborn – yes; Chen – yes; Westerhaus – yes; Paulsen – yes;  
24 Haigh – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

25  
26 Anita Westerhaus moved, with a second by William Haigh, that in **case number**  
27 **03-11**, the Board extend the 180-day deadline for issuance of the final decision,  
28 based upon delay in investigation due to other pending investigations and the  
29 investigator's extended medical leave. Roll call vote: Haigh – yes; Paulsen –  
30 yes; Westerhaus – yes; Chen – yes; Wellborn – yes; Aboud – yes; Carter – yes;  
31 Jeffrey – yes; Stalker – yes; and Hathaway – yes. **MOTION CARRIED**  
32 **UNANIMOUSLY.**

1 Board Member John Aboud complimented Executive Director Dr. Anne Kruse  
2 for obtaining the Iowa Values Fund grant of \$250,000 that was announced at  
3 the last board meeting, and which will effect and maintain online renewal and  
4 online view of licensure credentials. He also made two suggestions with regard  
5 to the Executive Director's report as it was recorded in the minutes of the  
6 previous board meeting. Consequently, the new sentence beginning on page  
7 13, line 1, was restructured so that the sentence reads: Dr. Kruse said that she  
8 would have been impressed by the publicity if she were the parent of a  
9 prospective student. In addition, on page 13, line 7, the following comment was  
10 added: Capability of viewing licensure credentials online is an effective means  
11 for state compliance with provisions of No Child Left Behind. Brian Carter  
12 moved, with a second by Judy Jeffrey, to approve the September 12, 2003,  
13 minutes, as amended. **MOTION CARRIED UNANIMOUSLY.**

14  
15 Board Member Ying Ying Chen attended a principals' forum on October 2  
16 and 3, which was organized by the regional labs. The focus was adequate  
17 yearly progress, and the majority of states were represented. Principals  
18 expressed some concern about meeting the standards of highly qualified  
19 teachers, although Iowans were not among them. It was the first time she  
20 experienced this at the national level, and she thought concerns may be  
21 different from state to state.

22  
23 Board Member Judy Jeffrey said the U. S. Department of Education (USDE) will  
24 visit Iowa on October 31 to look at the support provided to teachers in the state.  
25 She said it was highly unusual to receive a telephone call from the USDE in  
26 which they convey their eagerness to visit the state because of the model  
27 practices underway, and they want to highlight the state for its support of  
28 licensing of teachers and the support in the teacher quality legislation.

29  
30 Board Member Brian Carter asked Ms. Jeffrey if there was truth to the rumor  
31 that officials in the state of Maine had refused federal money under No Child  
32 Left Behind. She said there had been some earlier discussion of that, but she  
33 did not believe that that was the final decision of the state of Maine. She said



1 there have been discussions like that in states across the nation, but she  
2 thought that, ultimately, no one has yet refused the aid.

3  
4 Board Chair Peter Hathaway asked if there were any public comments. There  
5 were none.

6  
7 Executive Director Dr. Anne Kruse reported briefly on a number of issues:

- 8 1) She thanked staff and the public for their patience through the period of  
9 over two weeks in which the visual information system was inoperative.
- 10 2) She gave personnel updates.
- 11 3) The agency is dealing with an order for a 2.5% decrease. Appropriated funds  
12 are affected, but Dr. Kruse does not yet know if the licensure fund will be  
13 exempt from the cut. Cuts will be made and funds shifted accordingly. Dr.  
14 Kruse will inform the Board of the options.
- 15 4) The Superintendent Study Team completed its work. The Board will see the  
16 recommendations at the December board meeting.
- 17 5) The November 14 board meeting will be in the auditorium at the State  
18 Historical Building. The morning session will be devoted to the Praxis II  
19 testing results. Ines Bosworth of Educational Testing Service (ETS) will  
20 address the meeting. All the colleges, the House and Senate education  
21 committees, other interested persons and the press will be there.
- 22 6) Student teaching seminars by staff and AEA presentations by Dr. Kruse are  
23 underway. They are well received by the institutions, and Dr. Kruse hopes  
24 they will not be cut as part of the cost-saving measures.
- 25 7) The American Board for Certification of Teacher Excellence (ABCTE) received  
26 a \$35 million grant from the federal government, having started out with \$5  
27 million in seed money. Whereas Iowa accepts some alternative routes to  
28 teacher licensure, ABCTE promotes alternative licensure called Passport.  
29 The organization tries to influence state legislatures to accept their portable,  
30 essentially certification-by-examination process and, thereby, bypass and  
31 supercede state standards boards and state boards of education.

1 Executive Director Dr. Anne Kruse and Assistant Attorney General and legal  
2 counsel to the Board Christie Scase absented themselves from the room during  
3 consideration of the licensure appeals. William Haigh moved, with a second by  
4 Anita Westerhaus, that in **case number APP 03-03**, Daniel P. Shonka, the  
5 Board not initiate review of the proposed decision and allow the proposed  
6 decision to become the final decision of the Board unless an appeal is taken by  
7 one of the parties within the time allowed by rule. Roll call vote: Stalker – yes;  
8 Jeffrey – yes; Carter – yes; Aboud – yes; Wellborn – yes; Chen – yes; Westerhaus  
9 – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes. **MOTION CARRIED**  
10 **UNANIMOUSLY.**

11  
12 In the next licensure appeal case, Board meeting materials included Executive  
13 Director Dr. Anne Kruse’s withdrawal of her notice of appeal. Anita Westerhaus  
14 moved, with a second by Jacqueline Wellborn, that in **case number APP 03-01**,  
15 Shawn Murtha, the Board not initiate review of the proposed decision and allow  
16 the proposed decision to become the final decision of the Board unless an  
17 appeal is taken by one of the parties within the time allowed by rule. Roll call  
18 vote: Stalker – yes; Jeffrey – yes; Carter – yes; Aboud – yes; Wellborn – yes;  
19 Chen – yes; Westerhaus – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.  
20 **MOTION CARRIED UNANIMOUSLY.**

21  
22 Assistant Attorney General and legal counsel to the Board Christie Scase  
23 introduced her supervisor, Pam Griebel, who is Division Director, Licensing and  
24 Administrative Law Division, Office of the Attorney General. Because of her  
25 position, Ms. Griebel has broad experience with a variety of licensing boards,  
26 and she supervises the assistant attorneys general who prosecute cases before  
27 a professional licensing board. The number of licensing boards stands at about  
28 30, and although the professions are very different, most of the process is the  
29 same. Ms. Griebel addressed the Board on the topic of “Process Review of  
30 Hearings and Appeals with Attorney General Prosecution.” The Board received,  
31 as well, an October 2003 update of a handout on “Frequently Asked Questions  
32 Regarding Complaints, Investigations, and Hearings.” Ms. Griebel highlighted  
33 significant parts of the procedure, with particular attention to issues of ex parte

1 communication, the availability of attorneys from other bureaus or the  
2 administrative law judge for legal advice, and proposed consent orders. She  
3 also answered board members' questions. She confirmed Board Chair Peter  
4 Hathaway's understanding that because of Ms. Scase's or any other attorney's  
5 direct connection to the licensure division, at the point at which the attorney is  
6 involved in a prosecutorial role, the attorney cannot advise the Board in that  
7 proceeding, but can advise the Board in other matters not related to that  
8 particular case. The Board of Educational Examiners maintains the largest  
9 number of professional licensees, but, proportionately, has among the smallest  
10 number of complaints. Two or three of the other licensing boards use a panel  
11 for case hearings; all the others sit as a quorum of the respective board. The  
12 latter issue a final order with no proposed decision, such proposed decision  
13 being an intermediate step which the Board of Educational Examiners does  
14 utilize.

15  
16 The Board recessed from 10:51 a.m. to 11:00 a.m.

17  
18 The Board confirmed the board retreat for June 24-25, 2004, and the July  
19 board meeting for July 30, 2004. Executive Director Dr. Anne Kruse cautioned  
20 that budget constraints may eliminate one of the June days. Board Member  
21 John Aboud suggested that if that happens, the gathering should then be called  
22 a meeting and not a retreat. Dr. Kruse said that discussion items, then, could  
23 be split between the June and July meetings, and direction could then proceed  
24 into the fall.

25  
26 The Board considered proposed rules for PK-12 Principal and PK-12 Special  
27 Education Supervisor. Executive Director Dr. Anne Kruse's cover memo  
28 addressed the concerns that had been raised by the School Administrators of  
29 Iowa. Veronica Stalker moved, with a second by Ying Ying Chen, to adopt and  
30 file the proposed changes to Chapter 14 that combine licensure requirements  
31 for an elementary and secondary principal and supervisor of special education.  
32 **MOTION CARRIED UNANIMOUSLY.**

1 The Board next reviewed proposed rules for the paraeducator certificate. Judy  
2 Jeffrey moved, with a second by John Aboud, to adopt and file the proposed  
3 changes to Chapter 22 that require competencies in reading, writing and  
4 mathematics; strike reference to instruction of students; add a School Library  
5 Media—PK-12 area of concentration; and expand options for renewal  
6 requirements. **MOTION CARRIED UNANIMOUSLY.**

7  
8 The Board then deliberated a proposed new rule to implement the House File  
9 549 requirement for mandatory reporting of sexual misconduct. Discussion  
10 generated the addition of a subrule compelling timely reporting.

11  
12 The Board recessed for lunch at 11:52 a.m. and reconvened at 12:45 p.m.

13  
14 William Haigh moved, with a second by Tom Paulsen, to file under Notice of  
15 Intended Action the proposed changes to Chapter 11 that require mandatory  
16 reporting of contract terminations and resignations based upon allegations of  
17 sexual misconduct, with the addition of the subrule that the report be filed  
18 within 60 days of the date of local board action on the termination or  
19 resignation. **MOTION CARRIED UNANIMOUSLY.**

20  
21 The Board pondered the latest draft of Chapters 12 and 13, with a number of  
22 additional modifications being made during the discussion. John Aboud  
23 moved, with a second by Brian Carter, to file under Notice of Intended Action  
24 the proposed changes to Chapters 12 and 13, with recorded clarifications and  
25 changes. **MOTION CARRIED UNANIMOUSLY.** Dr. Kruse agreed to e-mail to  
26 board members a copy of the Notice as it will be submitted to the code editor.

27  
28 In the forenoon, the Board had agreed to move up on the agenda item #10,  
29 Petitions for Waiver. JoAnne P. Maehr submitted a petition to waive the three  
30 years of elementary experience heretofore required prior to issuance of an  
31 elementary administrator license. Recent legislation requires revision of current  
32 Board rules and obligates the Board to disregard the level of teaching  
33 experience when processing an application for a school administrator's license.

1 William Haigh moved, with a second by Judy Jeffrey, that **in PFW 03-20**,  
2 Joanne P. Maehr, the Board grant the Petition for Waiver. **MOTION CARRIED**  
3 **UNANIMOUSLY.**

4  
5 Marty D. Fonley requested a waiver of the requirement for three yeas of  
6 secondary teaching experience prior to issuance of a secondary level  
7 administrator license. Recent legislation requires revision of current Board  
8 rules and obligates the Board to disregard the level of teaching experience when  
9 processing an application for a school administrator's license. William Haigh  
10 moved, with a second by Judy Jeffrey, that **in PFW 03-21**, Marty D. Fonley, the  
11 Board grant the Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

12  
13 Executive Director Dr. Anne Kruse and Assistant Attorney General and legal  
14 counsel to the Board Christie Scase reported on their attendance at the seventh  
15 annual NADTEC Professional Practices Institute in Louisville, KY. NASDTEC  
16 itself is 75 years old. Deeming the conference "useful" and some sessions  
17 "outstanding," Ms. Scase said the gathering provides executive directors, board  
18 members, investigators and attorneys that represent the boards an opportunity  
19 to get together, network and talk about common issues. Dr. Kruse said she  
20 saw a trend in more states toward FBI and/or state background checks on  
21 license renewals. Ms. Scase saw a trend, as well, in mandatory reporting of  
22 misconduct and/or criminal offenses, with neighboring states interested in  
23 Iowa's recent legislation on the issue. Dr. Kruse said she had shared with  
24 colleagues Iowa's voluntary surrender form, which includes licensee  
25 acknowledgement that NASDTEC will be notified of the surrender.

26  
27 The Board once again deferred discussion of its Mission, Vision, Goals, and  
28 Objectives.

29  
30 There being no further business, Board Chair Peter Hathaway adjourned the  
31 meeting at 2:19 p.m.